

## REMARKS

Claims 1, 5, 7, 15, and 20 are amended. Claims 1-20 are pending.

The amendments to the claims are based on the application as originally filed.

In the office action, at least claim 1 was rejected under 35 U.S.C. 112, second paragraph.

The claims have been amended to clarify that various components, such as a user terminal is in communication with a server and a separate resource provider. Accordingly, the user terminal may be coupled to a server and/or a resource provider, or may not be coupled to the server and/or the resource provider, but the user terminal may still receive communications to and from the server and/or the resource provider, while maintaining the separate and independent state of the server in relation to the resource provider. That is, the communications between the user terminal and the server and between the user terminal and the resource provider does not necessarily establish a coupling, link, or connection between the server and the resource provider.

In addition, the claims have been amended to clarify that the user terminal receives such advertising content and provides such advertising content to the user simultaneously with the other content.

In the office action, claims 1, 6-7, 15, and 20 were rejected under 35 U.S.C. § 103(a) in view of U.S. Patent Number 6,128,663 to Thomas and U.S. Patent Number US 6,820,277 B1 to Eldering et al.

In addition, claims 2-5 and 17 were rejected under 35 U.S.C. § 103(a) in view of Thomas, Eldering et al., and U.S. Patent Number US 6,757,740 B1 to Parekh et al.; claims 8-14 and 18-19 were finally rejected under 35 U.S.C. § 103(a) in view of Thomas, Eldering et al., and U.S.

Patent Number US 6,839,680 B1 to Liu et al.; and claim 16 was finally rejected under 35 U.S.C. § 103(a) in view of Thomas, Eldering et al., and U.S. Patent Number US 6,575,691 B1 to Welsh.

The present invention, as recited in amended independent claims 1, 15, and 20, is patentable over the Thomas patent, since the present invention includes at least a decision maker module configured to select advertising content associated with at least one advertising campaign, based on user information including consumer data specific to the user and obtained at least directly from a user terminal, so that the user terminal in communication with a server and to a separate resource provider receives other content from the resource provider and receives the selected advertising content corresponding to the user information retrieved by the first server, wherein the user terminal receives such advertising content and provides such advertising content simultaneously to the user with the other content for merger at the user terminal to be conveyed to the user.

Briefly, the present invention is a distributed system in which advertising content and other content are merged from disparate sources in the user terminal for simultaneously conveyance to the user after merger at the user terminal.

None of the cited art discloses or suggests a distributed system in which advertising content and other content are merged from disparate sources in the user terminal for simultaneously conveyance to the user after merger at the user terminal, as in the present invention.

On the contrary, Thomas has a single system such as one server which returns a merged webpage containing both the advertising content, such as banner ads, and other content, such as the webpage text, to the user terminal for display to the user.

The present invention employs separate data sources: the server which provides customized advertising content to the user terminal, and the resource provider, separate from and independent of the server, which provides other content to the user terminal. When a user accesses a webpage, the server supplies the advertising content, such as a banner ad, which is displayed on the retrieved webpage.

In the present invention, it is the resource provider such as the components 300a, 300b shown in FIG. 1a, which provides other content such as the bulk of the webpage separate from the banner ad. Such other content is not customized by the decision module of the present invention, while the advertising content is customized by the decision module of the present invention.

In an example embodiment, referring to FIG. 1a, when a user accesses a webpage, for example, by entering a URL, the resource provider 300 connected to the user via the Internet 50 processes the URL to retrieve the appropriate webpage text and other content, while the server 100 processes the URL and other information obtained, for example, from an HTTP header associated with the URL and any cookie information associated with the user to customize the advertising content supplied for display to the user in the webpage, while the remainder of the other content on the webpage is obtained elsewhere.

On the contrary, referring to column 7, lines 43-57 of Thomas in connection with FIG. 3A of Thomas, the system of Thomas includes a “referring server 300 [which] includes a HTTP server 302, a HTML page storage 304, and an advertising banner storage 306”. FIG. 3A illustrates that the referring server 300 includes all of the components 302, 304, 306, and that the HTTP server 302 is directly connected to both the HTML page storage 304 and the advertising banner storage 306.

Column 8, line 18 to column 9, line 9 of Thomas describes the operation of Thomas to respond to an incoming page request to customize a retrieved page from the HTML page storage 304 using the advertising content from the advertising banner storage 306. The entire customized webpage is then forwarded to the user terminal (see Thomas, column 8, lines 61-64).

Therefore, the merging of disparate content is performed by Thomas at a server outside of and separate from the user terminal, and then forwarded to the user terminal.

In direct contrast with Thomas, the present invention, the merging of disparate content is performed at the user terminal.

Therefore, the present invention is patentable over Thomas, since Thomas lacks all of the elements, steps, and features of the present invention, and since Thomas operates in a distinctly different manner from the present invention.

One having ordinary skill in the art would not look to Thomas for the present invention, since the present invention is more advantageous in customization of advertising content of webpages than Thomas.

The present invention includes a server with advertising content which may be more frequently and dynamically updated and tailored to the demographics of users than the Thomas system. At any given time, the system of Thomas has a fixed set of advertising data in the advertising banner storage 306 until such advertising banner storage 306 is updated, for example, with a download from another source of such advertising banners at a fixed time of day. Therefore, the advertising banners in the advertising banner storage 306 may become "stale" when supplied to recently requested webpages. In addition, such advertising banners of Thomas cannot be dynamically updated if the advertising banner storage 306 is between update cycles.

The present invention is more flexible by separating the delivery and customization of the advertising content from other content, such as the primary content of a webpage.

In addition, the system of Thomas is efficient and arguably faster in delivering customized advertising banners with webpages than the present invention, since the referring server 300 of Thomas incorporates the HTTP server 302, the HTML page storage 304, and the advertising banner storage 306 in a single system.

The present invention may have negligible but non-zero delays in sending both the advertising content and the other content to be combined in a single webpage requested by the user, since transmission limitations and physical distances between the server and resource providers may delay such synchronization and combination of advertising content and other content provided by the present invention to the user.

One skilled in the art would not look to Thomas for the relatively slower system and configuration and operation of components of the present invention, since the present invention sacrifices speed for the ability to provide more dynamic customization of the advertising content for the combination of such advertising content and other content compared to the system of Thomas.

By providing more dynamic customization over speed in creating the customized webpage, the present invention is relatively slower but more flexible in customization of advertising content tailored to specific users than the system in Thomas.

Furthermore, the system in Thomas may be arguably less expensive to implement, by combining the HTTP server 302, the HTML page storage 304, and the advertising banner storage 306 in a single system, with less communication interfacing between components.

On the contrary, by providing a distinct and separate server and at least one resource provider in the present invention, with the server dedicated to provide only advertising content and the resource provider dedicated to provided only other content such as webpage text, the present invention may arguably require additional computation and communications devices, interfaces, and coordination therebetween. Such additional structures and operations may increase the relative cost and complexity of the present invention compared to the system of Thomas.

Therefore, one having ordinary skill in the art would not look to Thomas for the possibly more expensive and more complex system of the present invention. By sacrificing relative cost and complexity for providing more dynamic customization of advertising content, the present invention operates distinctly and differently than Thomas, and further the present invention operates more flexibly to provide customized advertising content on webpages provided to users.

Accordingly, the present invention is patentable over Thomas.

None of the remaining cited art cures the deficiencies or differences of Thomas to provide each one of the elements, steps, and features of the present invention, including two distinct content providers, with a server providing advertising content and a resource provider providing other content for merger of different content at the user terminal for conveyance to the user after merger at the user terminal, allowing for more dynamic customization of advertising content in the first server at the cost of speed, expense, and complexity of the system of the present invention relative to the Thomas system as well as such systems in the remaining cited art. Therefore, the present invention is patentable over the cited art.

Claims 2-14 and 16-19 depend from amended independent claims 1 and 15, respectively, and so includes the recitation of amended claims 1 and 15, respectively. Therefore, for the reasons set forth above, claims 2-14 and 16-19 are also patentable over Thomas and the remaining cited art.

Therefore, claims 1-20 are patentable over the cited art, so reconsideration and withdrawal of the final rejection of claims 1-20 are respectfully requested.

Accordingly, entry and approval of the present amendment and allowance of all pending claims are respectfully requested.

In case of any deficiencies in fees by the filing of the present amendment, the Commissioner is hereby authorized to charge such deficiencies in fees to Deposit Account Number 01-0035.

Respectfully submitted,



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